

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CHARLES MACK,

Plaintiff,

**9:18-cv-875
(GLS/CFH)**

v.

BARRY HALL et al.,

Defendants.

SUMMARY ORDER

On July 27, 2020, Magistrate Judge Christian F. Hummel issued a Report-Recommendation and Order (R&R), which recommends that the motions for summary judgment of defendants Sarah deWing, Barry Hall, and Jessica Jayasena be granted. (Dkt. No. 43.) Pending before the court are plaintiff *pro se* Charles Mack's objections to the R&R. (Dkt. No. 47.)

Only specific objections warrant de novo review. *See Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *3-5 (N.D.N.Y. Jan. 18, 2006). Objections that are general, conclusory, frivolous, or a mere reiteration of an argument already made to the Magistrate Judge trigger only clear error review. *See id.* at *4-5.

Mack's objections fail to address any of the findings made by Judge Hummel. Rather, Mack merely reiterates arguments already presented to,

and rejected by, Judge Hummel. (See generally Dkt. Nos. 38, 47.) Given that Mack's arguments are devoid of any specific objections to the substance of Judge Hummel's analysis, they trigger review for clear error only, see *Almonte*, 2006 WL 149049, at *5-6, of which the court finds none. Accordingly, the R&R, (Dkt. No. 43), is adopted in its entirety.

Additionally, to the extent that Mack attempts to request a video from the e-pod camera as well as a copy of the e-pod log book for March 12, 2020, and subpoena an e-pod officer as well as a "grievance officer[, and] his wife in medical staff," (Dkt. No. 47 at 4), such requests are denied. See *Kuchma v. City of Utica*, No. 6:19-CV-0766, 2020 WL 967168, at *3 (N.D.N.Y. Feb. 28, 2020) ("[E]ven if such evidence were material, its introduction during the objection phase of the report-recommendation procedure would frustrate the purpose of the Federal Magistrate Act of 1968."). Indeed, the opportunity to make such a motion has long since passed, (Dkt. No. 24), and, in light of the disposition of this case, is moot.

Accordingly, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 43) is **ADOPTED** in its entirety; and it is further

ORDERED that deWing's motion for summary judgment (Dkt. No. 34)

is **GRANTED**; and it is further

ORDERED that Hall's and Jayasena's motion for summary judgment (Dkt. No. 35) is **GRANTED**; and it is further

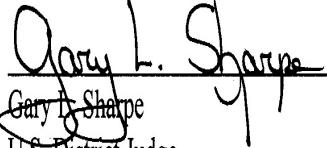
ORDERED that the amended complaint, (Dkt. No. 10), is **DISMISSED**; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Summary Order to the parties.

IT IS SO ORDERED.

September 28, 2020
Albany, New York



Gary L. Sharpe
U.S. District Judge